

ATTORNEY DOCKET NO.
154143-0017

PATENT
Customer ID No. 33649

REMARKS

The preliminary amendment filed on April 16, 2004 is objected to for allegedly failing to traverse the rejection of the claims examined in the Office Action dated December 15, 2003 (Paper No. 4). The Applicants do not understand the patent rules and regulations to require claims that have been presented in a preliminary amendment and which have not been examined to be traversed in regards to all prior art of record, and object to the imposition of any such ad hoc requirement. However, Applicants shall traverse the pending claims as requested by the Examiner in order to expedite examination. In particular, claims 1-178 were pending in the Office Action dated December 15, 2003, but those claims have been cancelled and new claims have been presented. Applicants believe that none of the cited art contains each of the elements of these claims so as to render the claims rejected under 35 U.S.C. 102, that none of the prior art can be combined to anticipate the claims under 35 U.S.C. 103, and that even if it can be so combined, that there would be no motivation to do so or that the art would teach away from such a combination. Accordingly, all pending claims are believed to be in condition for allowance, and a notice of allowance is respectfully requested.

Applicants specifically object to any characterization of the claims as having been previously presented and rejected on the merits so as to justify a first office action rejection of the claims. If the Examiner is asserting that the claims have been previously presented and rejected, the Applicants request that the Examiner identify the prior filing in which the claims were presented and the office action on which the claims were rejected. Otherwise, the Applicants will await a notice of allowance of all claims or a substantive examination of all claims.

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CONCLUSION

In view of the foregoing remarks and for various other reasons readily apparent, Applicants submit that all of the claims now present are allowable, and withdrawal of the rejections and a Notice of Allowability are courteously solicited.

If any impediment to the allowance of the claims remains after consideration of this amendment, a telephone interview with the undersigned at (214) 939-8678 is hereby requested so that such impediments may be resolved as expeditiously as possible.

No additional fee is believed to be required with this response. If any applicable fee or refund has been overlooked, the Commissioner is hereby authorized to charge any fee or credit any refund to the deposit account of Godwin Gruber, LLP, No. 500530

Respectfully submitted,

GODWIN GRUBER, L.L.P.

By: 

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